

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEREK W. STRUNK,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 19-cv-223-DGW
)	
COMMISSIONER of SOCIAL)	
SECURITY,)	
)	
Defendant.)	

ORDER for ATTORNEY'S FEES

WILKERSON, Magistrate Judge:

Before the Court is the parties' Joint Motion to Award Attorney Fees and Expenses. (Doc. 32).

The parties agree that plaintiff is entitled to an award of attorney's fees and expenses in the amount of \$3,500.00.

The Court finds that plaintiff is the prevailing party and is entitled to an award of attorney's fees and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate. Per the parties' agreement, this award shall fully and completely satisfy any and all claims for fees and expenses that may have been payable to plaintiff in this matter pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. If plaintiff seeks costs he shall do so separately.

The parties' Joint Motion (**Doc. 32**) is **GRANTED**. The Court awards

plaintiff the sum of \$3,500.00 (three thousand five hundred dollars) for attorney's fees and expenses pursuant to the Equal Access to Justice Act. These funds shall be payable to plaintiff, per *Astrue v. Ratliff*, 560 U.S. 586 (2010). See also, *Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). However, in accordance with the parties' agreement, any part of the award that is not subject to set-off to pay plaintiff's pre-existing debt to the United States shall be made payable to plaintiff's attorney pursuant to the EAJA assignment previously executed by plaintiff and counsel.

IT IS SO ORDERED.

DATE: February 18, 2020.



**DONALD G. WILKERSON
U.S. MAGISTRATE JUDGE**